

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Randy & Ann Thomas
5309 Denali Dr
Billings, MT 59101
2. *Type of action:* Application for Beneficial Water Use Permit 43C 30151026
3. *Water source name:* West Fork Stillwater River
4. *Location affected by project:* Lots 11 and 12 in Berkley Subdivision in the N2SE Section 27, T4S, R15E, Stillwater County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The Applicant is requesting a beneficial water use permit to divert 25 GPM up to 3.75 AF from the West Fork Stillwater River for lawn and garden use on 1.5 acres in Lots 11 and 12 in Berkley Subdivision in the N2SE Section 27, T4S, R15E, Stillwater County. The proposed period of diversion and use is June 1 to October 5. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Montana Department of Fish Wildlife & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)
United States Fish and Wildlife Service
United States Natural Resource and Conservation Service

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: No significant impact

West Fork Stillwater River is not included on the DFWP list of chronically or periodically dewatered streams. The Department analysis of physical and legal availability shows that there is water in the West Fork Stillwater River in excess of this request during the proposed period of diversion and use. The use of 25 GPM up to 3.75 AF/YR should not significantly impact water availability on this source.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No significant impact

The DEQ Water Quality report does not include the West Fork Stillwater River. Approximately 3.2 miles downstream from the proposed POD, the West Fork Stillwater River flows into the Stillwater River. The Stillwater River is listed as water quality category 5 by DEQ. This category includes waters where one or more applicable beneficial uses are impaired or threatened and a TMDL is required to address the factors causing the impairment or threat. This source is listed as fully supporting primary contact recreation and agricultural uses. It is listed as not fully supporting drinking water and aquatic life. None of these beneficial uses is threatened. The proposed use of water for lawn and garden irrigation would not impair water quality on this source.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: No Impact

Lawn and garden irrigation may increase groundwater recharge on the 1.5 acres proposed for the place of use. There should be no impact to groundwater quality due to this proposed use.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: No Significant Impact.

The proposed diversion would use a Jacuzzi electric suction pump (Model C55CXHAB-3901 CAT) with a 1 ½ inch line to pump water from the river. The pump will divert up to 25 GPM into an above ground sprinkler system consisting of up to three garden hoses with sprinklers. The proposed pump and sprinkler systems are transitory and can be moved along the creek and throughout the property as needed to water 1.5 AC of lawn and garden.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: No Impact

The Montana Natural Heritage Program identified the following 15 animal species of concern within the project area: Wolverine, Hoary Bat, Canada Lynx, Little Brown Myotis, Grizzly Bear, Northern Goshawk, Golden Eagle, Veery, Brown Creeper, Peregrine Falcon, Pinyon Jay, Clark's Nutcracker, Green-tailed Towhee, Brewer's Sparrow, and Yellowstone Cutthroat Trout. The Bald Eagle is considered a special status species in the area. One plant species, Small Yellow Lady's-slipper, was identified by the Montana Natural Heritage Program as a species of concern. The State of Montana, Office of the Governor has issued Executive Order No. 12-2015 creating the Montana Sage Grouse Oversight Team and the Montana Sage Grouse Habitat Conservation Program. The proposed place of use does not fall within currently mapped sage grouse habitat. The use of water from West Fork Stillwater River for lawn and garden use on 1.5 acres should not affect any species of concern or create a barrier to the migration or movement of fish or wildlife.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: No Impact

The project area is not within a wetland area, so there should be no significant impacts to wetlands from this proposed use.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: No impact

There are no ponds associated with this water right application.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: No Impact

The NRCS Web Soil Survey identifies the predominate soil type in the project area as Lolo and Nesda soils, flooded characterized as a gravelly loam, well drained, and nonsaline to very slightly saline. It is considered a farmland of local importance. A portion of the place of use is Sebud stony loam, 4 to 25 percent slopes which is characterized as stony loam and well drained. The sprinkle irrigation of 1.5 acres of lawn and garden should not degrade soil quality, alter stability or moisture content. There should be no saline seep from this use of water.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No Impact

The land owner is expected to prevent the establishment or spread of noxious weeds on their property.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No Impact

There should be no deterioration of air quality due to increased air pollutants from this proposed project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: NA-project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No Impact

There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No Impact

There are no known locally adopted environmental plans or goals. The landowner would be responsible for compliance with local zoning ordinances.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No Impact

The project is located on private land; this project should have no new impact on recreational or wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No significant Impact

The project would have no impact on public health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No significant impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact.
- (b) Local and state tax base and tax revenues? No significant impact.
- (c) Existing land uses? No significant impact.
- (d) Quantity and distribution of employment? No significant impact.
- (e) Distribution and density of population and housing? No significant impact.
- (f) Demands for government services? No significant impact.
- (g) Industrial and commercial activity? No significant impact.
- (h) Utilities? No significant impact.
- (i) Transportation? No significant impact.
- (j) Safety? No significant impact.
- (k) Other appropriate social and economic circumstances? No significant impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts None identified.

Cumulative Impacts There are no other pending applications on this source of water.
There should be no significant cumulative impacts.

3. ***Describe any mitigation/stipulation measures:*** There are no mitigation or stipulation measures required.
4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The reasonable alternatives are to grant the application, to advise the Applicant to propose a different application or the no action alternative. Granting the application would allow the Applicant to water 1.5 acres of lawn and garden on the property. It may be possible for the Applicant to develop an alternate source of water, such as a spring or well, or abandon the proposal. The no action alternative would prevent the Applicant from using West Fork Stillwater River for the beneficial purpose of lawn and garden irrigation.

PART III. Conclusion

1. ***Preferred Alternative*** To authorize the beneficial water use permit.
2. ***Comments and Responses***
3. ***Finding:***

Yes ___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts were identified. No EIS required.

Name of person(s) responsible for preparation of EA:

Name: Jill Lippard

Title: Water Resource Specialist

Date: April 20, 2021